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PART III

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NEO-CONSERVATIVES

This final part looks at a third kind of response, which might appear to be far more conservative in its reformist potential than the previous two, but which is in reality equally dynamic. This comprises the adjustments and adaptations which can be observed among some representatives from the most conservative of Muslim scholarly traditions, namely Salafism and Deoband. Chapter 5 focuses on the work of Yasir Qadhi, an influential young Muslim scholar in the U.S.A. After years of study at Islamic University of Medina (IUM) in Saudi Arabia, Qadhi initially identified as a Salafi. But today, having been back in America for some years and having studied for a Ph.D. at Yale, he is revisiting many of his previously hard line positions to advance a much more nuanced reasoning of how Muslims can best practice their faith when living in a Western context. Chapter 6 in turn reviews current debates within two reformist Deobandi platforms in the West: Darul Qasim in Chicago and Ebrahim College in London. While respecting the Deobandi *fiqh*, both show a clear departure from the narrowly defined process of *taqlīd* still dominant within Deobandi circles in South Asia (Volume 1, Part III).

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CHAPTER

5

YASIR QADHI AND THE DEVELOPMENT OF REASONABLE SALAFISM

Christopher Pooya Razavian

Yasir Qadhi has recently become one of America's most influential Muslim public figures. He has brought new life to Salafism in America by reforming the movement away from its conservative core, arguing that it offers no solutions for the modern age. His defence of same-sex marriage laws in America, approach to liberal citizenship, and his views about Islamic law are alien to many mainstream Salafis. Yasir Qadhi, it is argued here, has developed a new *Reasonable Salafism* whereby greater emphasis is placed on the lived realities of modern Muslims. This move towards reasonable Salafism was prompted by his own dissatisfaction with mainstream Salafism. He uses various conservative historical *fatwās*, such as the ban on the printing press, to highlight the negative effect that such rulings can have on Muslim life. Ultimately, his position on the necessity of incorporating modern context serves as a foundation for his position on Muslim citizenship in liberal societies. It is a type of citizenship that echoes Rawls' position on "reasonable citizenship"[1]: Muslims should consider other citizens as free and equal and endorse liberal laws that grant freedoms for other minorities even if these laws go against moral Islamic principles.

Born in Houston, Texas, Yasir Qadhi, who is of Pakistani origin, spent his early years in Jeddah, Saudi Arabia where his parents had temporarily relocated. He returned to the United States to attain his B.Sc. in Chemical Engineering though only to later travel back to Saudi Arabia to study at the Islamic University of Medina (IUM), where he received multiple degrees. He has a diploma in Arabic, a B.A. from the Faculty of Hadith and Islamic Sciences and an M.A. in Islamic Theology from the Faculty of Da'wah and Islamic Belief. He then returned to the United States in 2005 to pursue a Ph.D. degree in Religious Studies at Yale University. His dissertation was on Ibn

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Taymīyah and it was submitted in 2013.[2] It is difficult to know exactly what Yasir Qadhi studied during his time at IUM given that there are no historical records of the curriculum; moreover, it is common practice for IUM students to augment their university studies by studying with teachers outside of the university. Nonetheless, most Islamic studies programmes follow a general path of progression and a review of the current curriculum reveals that the courses at IUM do not steer too far from that path. The Faculty of Hadith and Islamic Sciences has designed a programme dedicated primarily to the study of *ḥadīth*. This includes courses on the historiography of *ḥadīth* (*tadwīn al-sunnah*), *ḥadīth* terminology (*muṣṭaliḥ al-ḥadīth*), as well as criticism of the chain of narration (*al-jarḥ wa-al-taʿdīl*). More general subjects are offered as well, such as a course on the history of the Prophet, another on the history of Saudi Arabia, and courses on Islamic law and Arabic grammar.[3] The Faculty of Daʿwah and Islamic Belief also follows a standard path of progression. The interests of this college are much broader with courses ranging from Islamic law and principles of jurisprudent (*uṣūl al-fiqh*) to issues relating to theology and Qurʾānic exegesis.[4]

Qadhi's Ph.D. dissertation is focused on Ibn Taymīyah and it is titled "Reconciling Reason and Revelation in the Writings of Ibn Taymiyyah (d. 728/1328): An Analytical Study of Ibn Taymīyah's *Dar' al-Taʿāruḍ*.[5] The dissertation is an examination of Ibn Taymīyah's attempt to reconcile reason and revelation, specifically as outlined in Ibn Taymīyah's ten-volume *Dar' al-Taʿāruḍ* which was written in response to Ashʿarī theology, specifically Fakhr al-Dīn al-Rāzī's (d. 606/1209) *Ta'sīs al-Taqdīs*.

In the dissertation, Qadhi stays engaged with the academic debates and does not explain the relevance of this work for contemporary Muslims though he does attempt to do so in a lecture given at the International Institute of Islamic Thought (IIIT) about his dissertation. He believes that although Ibn Taymīyah's book was written about God's attributes, and the issue of God's attributes is of little relevance to the lives of contemporary Muslims, the broader implications of the issue are relevant. It is about the balance between revelation and reason. The issue of God's attributes was used by Fakhr al-Dīn al-Rāzī to develop his *"al-Qānūn al-Kulī"*, the Universal Rule, which states that if reason conflicted with revelation then precedence is to be given to reason.[6] This does not mean that revelation is rejected, but that the text is understood in a way that it conforms to reason. Ibn Taymīyah wrote a ten-volume refutation to al-Rāzī's short treastise in order to refute this universal claim.[7]

Qadhi states that one of the attributes that separated Ibn Taymīyah from previous Ḥanbalī scholars is that Ibn Taymīyah read the books of his intellectual opponents. Previous Ḥanbalī scholars believed that reading the books of philosophers or other theologians would lead them astray. Ibn Taymīyah instead read the works of these scholars including the works of the Greek philosophers. Thus, previous Ḥanbalī scholarship on theology was rather

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simplistic, whereas Ibn Taymīyah's scholarship was much more philosophically grounded. Qadhi use this as the pretext to claim that today those who claim to be the followers of Ibn Taymīyah are not truly following in his footsteps.[8] Qadhi argues that the topical debates during the time of Ibn Taymīyah were related to issues of theology and not to issues of Islamic law. That has been reversed today. While it is no longer relevant to discuss the issues of theology that Ibn Taymīyah discussed, Ibn Taymīyah's approach to these issues, and the way he harmonises revelation and reason, is still relevant to many contemporary issues. He argues that anyone that is arguing for change in Islamic law today, must understand Ibn Taymīyah and the reason his views are so attractive.[9] Ibn Taymīyah managed to redeem *'aql* (reason) while keeping *naql* (text) supreme. For Ibn Taymīyah, *'aql* follows *naql*.

Qadhi states that this is an important point, given that some progressive Muslims push the rational aspect of Islamic law too far. He gives a particular example of same-sex marriage. He says that the Qurʾān is clear that same-sex marriage is forbidden, yet, there are Muslims that argue that the Qurʾān has been misinterpreted on this subject. If we find the issues of homosexuality in the Qurʾān to be problematic, then people will find other parts of the text to be problematic and they will interpret it as they see fit.[10] Qadhi believes that while we do need to adapt Islam to its time and place, we do not need a complete overhaul in the sense of changing the fundamentals of the Qurʾān and *sunnah*. Calling for a complete overhaul makes the Qurʾān and *sunnah* superfluous.[11]

Qadhi is also a faculty member of the AlMaghrib Institute, where he is the Dean of Academic Affairs and an instructor. Founded in 2002, the goal of AlMaghrib "is to make learning Islam in a quality fashion as easy as possible." They were driven by answering "how could we teach you Islam in a way that was fun, social, quality, spiritual, and oh yeah, academic?" Grewal comments that the AlMaqhrib institute has "almost singlehandedly revived the Salafi movement in the U.S. among Sunni American Muslim college students, and its success is demonstrable in its high student enrolment."[12]

AlMaqhrib focuses on conducting seminars all over the world, this includes the United States, Canada, United Kingdom, Australia, and even a few Gulf States such as Kuwait and the United Arab Emirates. These seminars consist of a variety of social and religious issues. In 2016, Yasir Qadhi went on a seminar tour titled "No Doubt: God, Religion and Politics in the Modern World." The seminar is focused on securing one's faith in the existence of God, but it covers a wide variety of other topics. The seminar profile describes the seminar as such:

> This class aims to tackle some of the most difficult and controversial topics head on, whether the rise of militant atheism, or the evolution issue, the existence of evil, political allegiances, rebellion against dictators, secular feminism,

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> the conflict between citizenship and the support for armed forces pressing forwards with their own agenda regardless, and just so much more.[13]

The institute also offers a bachelor's degree, but this does not seem to be accredited by any governing body. AlMaghrib consists of four departments: Islamic Theology and Ethics, Islamic Law and Legal Theory, Qur'ānic and Ḥadīth Sciences, and Islamic History and Homiletics.

Many of the faculty at AlMaqhrib are graduates from Saudi universities, especially the Islamic University of Medina. The president and founder of AlMaqhrib is Shaykh Muhammad Alshareef. Alshareef is a graduate of IUM and received his degree in Islamic law in 1999.[14] Shaykh Waleed Basyouni, the Vice President and Head of the 'Aqīdah and Adab Department received both his bachelor's and master's degree from the al-Imam Muhammad University in Saudi Arabia. He then travelled to Indiana to gain his Doctorate in Theology from the Graduate Theological Foundation.[15] Shaykh Yaser Birjas is the head of the Islamic Law and Theory Department, and he received his bachelor's degree from the IUM in the Faculty of Shariah in 1996. He also studied under popular scholars within mainstream Saudi Salafism such as Shaykh Muḥammed al-Amin Al-Shanqiṭi and Shaykh Al-Uthaymin.[16] Shaykh Abdullah Hakim Quick is an African American convert and one of the first two students from the West to receive his degree from IUM. He graduated from the Faculty of Da'wah and Islamic Beliefs in 1979.[17] Not all of the staff are graduates of Saudi Universities. Dr. Reda Bedeir is an Egyptian scholar who has attained two Ph.D.s from al-Azhar University and also teaches as a professor at al-Azhar.[18]

There have also been some notable controversial figures associated with the institute. Shaykh Anwar al-Awlaki was an American citizen that became the most notable English-speaking cleric in al-Qaida, and became the first U.S. citizen to be targeted and killed by a drone strike.[19] Grewal comments that although al-Awlaki was never formally affiliated with AlMaqhrib, recordings of his speeches were sold at AlMaqhrib events. His recordings were still sold even after the faculty at AlMaqhrib declared a ban on his tapes following al-Awlaki's praise of the 2009 Fort Hood shooting.[20] Yasir Qadhi has given speeches against al-Awlaki's views while being critical of his extrajudicial assassination.[21] Moreover, the institute has come under criticism for teaching to the infamous underwear bomber, Umar Farouk Abdulmutallab. Qadhi has said that he barely knew him, that they fully corroborated with the FBI investigation, and that ultimately Abdulmutallab was exposed to radical jihad through al-Awlaki.[22]

On the other hand, AlMaqhrib has come under criticism from other Salafi groups that consider the institute to be too liberal.[23] It was due to these criticisms that the institute moved away from the label "Salafi", although Grewal reports that many of the faculty still describe their approach to Islam as such.[24] It is interesting to note that Yasir Qadhi has stated that

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he believed Hamza Yusuf had so effectively appropriated the "traditionalist" label that it forced the institute to find a different brand in order to compete.[25]

Qadhi and Mainstream Salafism

Yasir Qadhi embodies this transition from mainstream Saudi Salafism to a more liberal Salafism. He is quite forthcoming about his own transition. If AlMaqhrib has revived Salafism within America, as Grewal has claimed, then it is a Salafism that is alien to that very tradition: Yasir Qadhi defends democracy, the legality of same-sex marriage (albeit among non-Muslims) in secular societies, and one that understands that Islamic laws change depending on context. This is not to say that there have never been different strands within Salafism, or that Qadhi and the AlMaghrib Institute have left Salafism as it is formally defined (see Volume 1, Chapter 6). It is to say, however, that it is a very specific type of *American Salafism*. It is a Salafism that understands that context matters and that American Muslims require American and not foreign scholarship.

It is difficult to piece together Qadhi's earlier views because they are scattered about on the internet. He himself has shown no interest in archiving his older views, and there is no central archiving authority. Most of the content that is available on Qadhi's earlier views is from his critics. There are several controversial points that Qadhi has commented on.

One of the issues that haunt Qadhi are his statements on the Holocaust. His old comments have led some bloggers to give him unflattering names, such a "Holocaust-denying anti-Semitic Hitler-sympathizing extremist fundamentalist radical Muslim preacher."[26] In one of his early lectures that delved into the history of Judaism, Qadhi had said that "Hitler never intended to mass-destroy the Jews" and he had urged Muslims to read *The Hoax of the Holocaust*.[27] He sums up his views by saying that "We're not defending Hitler, by the way, but the Jews, the way that they portray him, also is not correct."[28] Qadhi has tried to distance himself from the views expressed in this lecture. He writes that:

> I was a young, budding, twenty-something undergraduate at Madinah when I gave that talk, during my very first cross-Atlantic da'wah trip . . . It's been almost a decade since that one-time mistake; I admit it was an error and an incorrect "fact" was propagated. But even in that talk, I did not deny the actual occurrence of the Holocaust, or express any support or admiration for Hitler, or claim that all Jews were worthy of being despised or hated.[29]

He states that "the Holocaust was one of the worst crimes against humanity that the twentieth century has witnessed."[30] He adds that "[p]eople change over time. Views develop, are modified, or discarded outright. Simplistic

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notions, especially those held in younger years, are typically shown to be stereotypical and false."[31]

In regards to his views towards democracy, Qadhi again in the past took the more extreme Salafi line. Many Salafis believe that democracy promotes man-made laws and that these laws are in conflict with the Divine Law, as was discussed in the previous volume. Supporting these man-made laws is tantamount to denying God's sovereignty.[32] Although it is difficult to find Qadhi's writings on the issue, if any such writings exist, there is a short video clip of him passionately defending this opinion:

> It is not my right to legislate or your right to legislate . . . Can you believe a group of people coming together and voting, and the majority vote will then be the law of the land. What gives you the right to prohibit something and allow something. Who gave you this right? Are you creators? Are you all knowledgeable? Do you understand the repercussions, the implications of the laws that you're going to pass?[33]

It is clearly visible in the video that Qadhi was much younger at the time and the description in the video states that this clip was recorded in Egypt in 2001. Many of the commentators on this video clip mention that they miss the old conservative Qadhi and some mention that Qadhi has now become a *munāfiq* (hypocrite).[34] As it will be shown below, Qadhi no longer holds these beliefs, but instead argues in favour of supporting liberal democracies in non-Muslim countries. He has changed his stance from one in which he believed secular laws denied God's sovereignty, to his current position whereby he believes that liberal secular laws actually grant Muslims the freedom required for personal worship, and for this reason these laws require the support of the Muslim community.

Qadhi has also held extremely negative views towards the Shi'a. He followed the standard Salafi formula of painting the Shi'a as polytheist lying fornicators that curse the wives and companions of the Prophet.[35] He has said the Shi'a are "the most lying sect of Islam" and that "it is their religion to lie." This is in reference to the concept of *taqīyah*, a concept that allows a Muslim to conceal their faith when they are in mortal danger. Although many Sunni scholars support the concept of *taqīyah*, it has become associated with Shi'ism because of their suppressed minority status.[36]

Qadhi also criticized the Shi'a for allowing *mut'ah* (time based marriage contracts), and labels it as prostitution and fornication. He states the Shi'a believe that the more that one fornicates, the higher their spiritual status. Moreover, Qadhi also stated that Shi'i beliefs were tantamount to *shirk* (polytheism). This is in reference to the Shi'i belief of *al-wilāyah al-takwīnīyah*, the belief that with the permission of God the prophets and *imām*s can bring about change within the material world. The Shi'a defend

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this position stating that it is an explanation of how Prophets perform miracles.[37]

Qadhi has formally renounced his old views towards Shi'ism. In a recent interview on the Iranian English news channel, Press TV, Qadhi has stated that:

> What I said about Shi'as, probably around 17–18 years ago, was in fact quite inflammatory and stereotyping an entire segment of people. And yes I do regret the language that I used, I do regret what I said, and I do believe that I have moved on from that, and I have given enough lectures and videos publicly and, you know, interviews which demonstrates that I am now a different person. We all go through phases in our lives, and at a younger age I kind of took what was taught to me from a certain methodological background and accepted it without verification. And I was also a bit more fiery person in my early 20s. And I think, you know, age and wisdom, and experience really, and interacting with people tempers went down . . .[38]

When asked specifically about why he changed his position he attributed it to age, experience, and simply being with people. He also attributed his earlier views to a "cut and paste job", where he would find one quote and generalize from that one quote. He compares how he discussed Shi'ism as similar to how Islamophobes take Islamic text out of context.[39]

Qadhi constantly refers to the fact that he has changed his views, but he rarely delves into the historical progression of his ideas. His criticisms of mainstream Salafi beliefs are clear, but the story of his personal development has not been fully told. In an interview with Interfaith Voices in 2013 Qadhi partially explains why he no longer identifies with Salafism. From the interview, as well as other sources, it seems that the main impetus that drove Qadhi away from traditional Salafism is that Salafi thought was in his view unable to address modern issues. He states this point twice in this interview and reiterates this position in his other works.

The interview begins by Qadhi stating that he would have identified with the Salafi movement 20 years ago, but he has now grown out of the movement. The interviewer pushes him to clarify what he means by that statement. He replies that:

> I found the movement is not as intellectually stimulating as I would like it to be. I think that it is not really capable of addressing modern issues. It's very intransigent in the way it views certain ideas. It's also very hostile to any that disagree with its interpretation. So I find myself disagreeing with quite a lot of the methodological issues associated with the Salafi movement.[40]

What attracted Qadhi to the Salafi movement was the empowerment of being able to understand the religion straight from the text of the Qurʾān and *ḥadīth*:

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> There is a sense of liberation where you're not dependent on a group of clerics and you have no idea why they're saying what they're saying. The Salafi tradition always challenged people to think about why particular clerics are saying their particular positions, and they challenged people to find the evidences for every single Islamic opinion. And therefore what it did is, it allowed Muslims to reconnect to their tradition. It also allowed Muslims to separate a lot of what was culture from religion. So lot of things were dismissed for being cultural. For example certain dress codes, or treatment of women, or other things of this nature could be dismissed as being cultural practices, and people were told to embrace a more authentic, or a more pure, or a more pristine understanding of the faith.[41]

When he was asked, "What would that look like in the modern world?" He replied that:

> Frankly, I think that is a question that no Salafi has answered in a very realistic manner. And this was one of the main reasons that I myself found myself distancing myself from the movement. That, this type of clichéd rhetoric that we want to go back to the first three generations. What exactly does that mean in a modern world? I don't think that any Salafi really has a concrete clue as to how that will take place.[42]

Qadhi has written a more recent article titled *On Salafi Islam*. In this article, he goes into depth about the various trends of Salafism and what he believes are the positive and negative aspects of Salafi thought. He begins the section on criticisms of the movement by highlighting a flaw in the Salafi method:

> Additionally, there is a methodological flaw in attempting to extrapolate a *salafī* position (meaning: a position that the *salaf* would hold) about a modern issue that the *salaf* never encountered. The "Salafī position" (meaning one that is held by some scholars of the modern Salafī movement) with respect to questions on citizenship in nation-states, democracy, the role of women in today's society, the permissibility of voting, and the issue of *jihād* in the modern world, etc., are merely personal opinions (*fatāwā*) of the scholars who pronounce them and cannot be representative of the views of the first three generations of Islam.[43]

In regards to the issue just mentioned above, about the lack of any coherent understanding of what Salafi Islam would look like in the modern world, Qadhi fiercely criticizes the lack of attention that Salafis give to *fiqh*. In the comments section of the same article he writes: "There is no such thing as 'Salafi fiqh'. It is a myth propagated by the hard-core Jordanian branch of Salafism."[44]

In his article *On Salafi Islam*, Qadhi criticises Salafis for simply engaging in theological disputes of the past that have no relevance to the lives of the

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modern Muslims: "modern Salafīs are, for the most part, unwilling to venture outside of the territories and ideas that Ibn Taymīyah wrote about seven hundred years ago and face the challenges of *our* day."[45] He argues that he is not alone in his criticism of Salafism, and believes that he is a part of a growing trend of younger generation students: "More and more intelligent students of knowledge, in Madinah and elsewhere, are realizing this. One of the goals of the article was to make them feel that they are not alone, and take active measures to correct these mistakes."[46]

Towards a Reasonable Salafism

Qadhi's move away from mainstream Salafism is followed by a move towards reasonable Salafism. As stated above, reasonable here indicates towards the necessity of scholars to give rulings and present an interpretation of Islam that is appropriate to the lived experiences of Muslims. Qadhi's move towards a reasonable Salafism is built on his critique of overly conservative interpretations of Islamic law. He argues that overly conservative interpretations harm Muslim life and Islam in general. This echoes many of the same concerns of Salman al-Ouda and Bin Bayyah that were discussed in Volume 1 (see Chapter 6 and Chapter 3 respectively). It is therefore not surprising that Yasir Qadhi considers Salman al-Ouda to be his mentor.

As it will be shown below, Qadhi begins his criticism by showing the detrimental effects of unreasonable interpretations of Islamic law through practical historical examples, specifically the ban on the printing press in the Ottoman Empire. Moreover, he urges Muslims to follow scholars that have had similar life experiences as themselves. Ultimately, his position that Salafi scholars do not have any coherent plan about applying Islamic law to contemporary times has led him to argue for a greater degree of dynamism in terms of Islamic law. Furthermore, Qadhi's conception of reasonableness extends to the issue of science specifically the theory of evolution. Qadhi is a defender of the theory of evolution, and argues that evolution is compatible with Islamic thought. He urges Muslims to not follow in the footsteps of Evangelical Christians but to look back to their own heritage where there was a greater balance between science and religion.

Qadhi's movement towards reasonable Salafism begins with a criticism of conservatism. He defines conservatism as the "reluctance to change Islamic law."[47] He states that he does not want to give a negative impression of conservatism, but that he is simply referring to the reluctance of some scholars to adapt to changing circumstances. There are two lectures in which he delves deeply into this topic. The first is a lengthy lecture on the history of the printing press in Muslim lands.[48] In this lecture Qadhi discusses the reason it took over 300 years for Muslims to adopt the printing press. The first printing press was created by Johannes Gutenberg in 1440. Qadhi argues that it was only after Napoleon's invasion of Egypt, and Muhammad Ali Pasha's attempt at

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modernization that the first indigenous printing press was established. This allowed printing for Muslims in Arabic in 1822.

The reason for this delay, argues Qadhi, is because of the conservative mind-set that governed the Muslim world during that time period. Qadhi begins his lecture by discussing the history of paper. He tells the story of the Abbasid Caliph who captured two Chinese papermakers as prisoners of war. The Caliph ordered these two Chinese workers to teach Muslims how to make paper in exchange for their freedom. He uses this as an example of the open-mindedness of the earlier Muslims, which in his view was central to shaping the "Golden Age" of Islam. Qadhi then describes how paper manufacturing travelled to Europe via Muslims and how it were the Europeans who in turn developed paper mills leading to the invention of the printing press. While Muslims had been one of the first civilizations to understand the importance of paper they were now falling behind. There were two reasons for the apprehension of incorporating the printing press. The first is that Muslims were weary of anything foreign. The second is that scholars feared that the layperson would be led astray if they read books without the guidance of scholars.

It was for these reasons that the Grand Mufti of Istanbul declared that it was unlawful to own and operate a printing press. Printing presses were thus according to Qadhi banned throughout the Ottoman Empire. Special concessions were given to religious minorities that lived within the Empire, but they were to print in their own languages and could not print anything related to Islam. Printing presses were banned until Muhammad Ali Pasha established the *Bulaq* Printing Press in Egypt in 1822. Qadhi laments that while literacy had flourished in Europe and people were reading the classics written by Charles Dickens, the Muslim world was predominantly illiterate. The banning of the printing press in his view effectively stunted literacy, innovation, and cultural growth within the Muslim World.

Qadhi builds on this lecture in another lecture that further clarifies his stance towards change in Islamic law.[49] Qadhi describes this lecture on his YouTube as being a "highly controversial and paradigm-shifting talk".[50] In this lecture, Qadhi is much more direct about the importance of finding scholars that understand the needs of contemporary Muslims. He believes that Muslims today are facing problems that do not have solutions in the classical text. This requires a type of scholarship that is in tune with the lived experience of the people. Otherwise, he believes that people will simply ignore the *fatwās* of the scholars and live life as they see fit.

In order to highlight this point he refers to the recent controversy over the production of the *Omar* television series.[51] This television series, which is based on the life of the second Caliph, 'Umar ibn 'Abd al-Khattāb, had attracted the criticism of various *sharī'ah* councils including at al-Azhar and in Saudi Arabia. Given 'Umar's revered status in Sunni Islam, his depiction on screen has been controversial.[52] Qadhi comments that even though

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various *sharīʿah* councils gave *fatwās* against this TV series, it was still one of the most highly watched shows in the Muslim world. For Qadhi, this shows the disconnectedness between the scholars and the masses. The religious opinions of these scholars were irrelevant to the producers of the TV show and also to the millions of Muslims that were watching. Nonetheless, there were many forward thinking scholars that helped in the production of this programme. One of which was Shaykh Salman al-Ouda, who was also on a committee to review the historical accuracy of the series.[53]

Salman al-Ouda's thought has had an impact on Qadhi's own intellectual development, and Qadhi praises him highly in this lecture. Elsewhere, Qadhi has commented that: "Sh. Salman is someone whom I know personally, and consider a mentor."[54] He also praised Salman al-Oua on social media for "making a concerted effort to make Islam more relevant to the people," and has stated that "it is scholars like Sh. Salman that I take as my role models in my own endeavors in the West."[55]

Qadhi presents Shaykh al-Ouda as someone who understands contemporary Muslim life and society, and this is reflected in al-Ouda's approach and religious rulings. Qadhi defends al-Ouda's position on the production of the *Omar* television series due to the fact that his rulings are more in line with the way that people live their lives. He praises al-Ouda for being reasonable, and that this reasonableness is one of the key aspects that religious scholars should keep in consideration: "One of the jobs of an *ʿalim* is to get a sense of the pulse of the people, to see what is better than the status quo. Not necessarily what is ideal."

Qadhi also argues that religious scholars require more than a pragmatic approach towards religious rulings, and that they must also have real life experience. These experiences will affect a scholar's viewpoint towards social issues. Qadhi's emphasis on the fact that scholars must have real life experience drives him to say that Muslims should seek out scholars that have similar experiences as them. In essence, this means that Muslims should seek out religious scholars that are living in the West, because their experience in the West will change how they view religious rulings:

> Choose a scholar who's living your life, in your land, in your culture and society . . . One of the biggest problems of all of our, these movements, and has caused Islam to not spread as well as it should, was that we outsourced our *fatwās* to back home . . . But the fact of the matter is, that those people [scholars], with all great respect to them, they are great for their societies, they know their societies, but you cannot get a *fatwā* about living in a secular democracy from somebody who has never lived in a secular democracy. You cannot get a *fatwā* about how to interact with your homosexual neighbor when a person has never met a person who is a homosexual in his life. There has to be a human element. Experience, wisdom, most of it comes from life, not from books. Take this as a rule of thumb. Most experience comes from living and not from reading books.[56]

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This lengthy quote captures the essence of Qadhi's critique. Religious scholars might have a good deal of book knowledge, and even a good understanding of their own social surroundings, but they do not have the lived experience necessary to comment about life in the West. He then urges Muslims to find scholars that are living in the West and to follow the religious interpretations of these scholars.

Overall, Qadhi believes that Islamic law needs to take into context the lived experience and contemporary context of the people. This is precisely the reason that he left traditional Salafi thought: he found Salafism to be too concerned with impractical debates of theology and unable to offer a practical vision for how best to live Islam in contemporary times. Islamic law in his view does not need a complete rethinking, but simply needs to take the social context into greater appreciation.

The issue of reasonableness is also extended to science. A common debate in American culture is the issue of evolution and religion. Qadhi is a firm believer in the theory of evolution, and considers the debate about evolution amongst Muslims to be more the effect of Muslims importing the Christian clash between religion and science into their own thought. He believes that evolution in general is true, but God intervenes through the creation of Adam. God's intervention was in line with evolution such that an outside observer would not be able to tell the difference. In one video, he begins his presentation on evolution and the Qurʾān by stating that:

> We as Muslims, we need to understand that the theory of evolution pretty much has been accepted as much as a fact as any scientific theory. We need to stop deluding ourselves and saying that "Oh it is only a theory" it is not a very academic way to phrase this.[57]

He states that evolution is based on certain facts that develop into a broader theory. This includes for example human and humanoid bones, and microevolution. He then argues that many Muslims simply have not spent the time to properly study the issue noting that "the theory of evolution from a scientific standpoint makes a lot of sense," and that the major "issue is how to reconcile when the book says X and modern science says Y." And ultimately "no other theory has challenged the Quranic paradigm more than this."[58]

He states that reconciliation between theory of evolution and Qurʾānic understanding of creation is possible because Muslims do not have an antagonistic history towards science. It is Christianity that has had conflict with science. To support his case, he presents examples such as the Christian Evangelical position that the world is only 6,000 years old, as well as the popular retelling of the trial of Galileo. Muslims, in his view, on the other hand have had a long positive history with religion and science such that the Muslim empire during its peak was the centre of scientific progress.

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Qadhi's impression of the conflict between Christianity and science is unfortunately skewed by the dominant positions of Evangelical Christians. The Catholic Church, the Church of England, and various mainline Protestant denominations accept the theory of evolution. Many Christians believe in what is normally labelled as "theistic evolution": God set evolution in motion.[59] Pope Pius XII issued a papal encyclical, "Humani Generis", in 1950 that affirmed the fact that there is no conflict between Christianity and evolution.[60] The Church of England also supports the notion of evolution, and even has a section of their official website dedicated to the issue. [61] In America, there is a nationwide movement, The Clergy Letter Project, which has gathered in the region of 14,000 clergy members that support evolution, including the United Methodist Church.[62] Although this project includes members of different faiths, the majority of clergy members are Christian. Even Qadhi's understanding of the Galileo affair is influenced by contemporary American sentiments of the events: a closer examination would reveal that the event did not pan out the way it is presented in the popular American imaginary and that of Yasir Qadhi.[63]

Qadhi's position on theistic evolution therefore has many partners within the Christian world. It would seem even beneficial to study the works written by Christian intellectuals on the issue to see if it can inform his own position on the debate. More interestingly, Qadhi's stance on evolution differs from that of Tim Winter. As we saw in Chapter 2, he does not believe that the theory of evolution has been fully proven.

Reasonable Citizenship

By arguing that Islamic scholars must take into consideration the lived experiences of modern Muslims, Qadhi is able to set the stage for advancing the notion of reasonable citizenship. Liberal secular societies in his view are a modern construction and the way in which Muslims should live in these societies requires novel solutions: Muslims "cannot get a *fatwā* about living in a secular democracy from somebody who has never lived in a secular democracy."[64]

Qadhi's understanding of how Muslims should live in secular liberal societies echoes much of John Rawls' sentiments. The concept of "reasonable citizen" was popularised by John Rawls specifically in his book *Political Liberalism*. Rawls clarifies his stance on "reasonable citizen" in his article *The Idea of Public Reason Revisited*.[65] Rawls' theory of political liberalism tries to tackle two main problems within liberal thought: legitimacy and stability. What constitutes legitimate coercive power by the state and why would citizens agree to it? For Rawls, legitimacy and stability in turn rely upon public reason. Legitimacy and stability are attained if political ideas go through a process of public deliberation whereby there is an exchange of ideas and justifications that are

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understandable to groups adhering to different comprehensive beliefs. A justification for a law that is solely based on one's religious views would fail this test of public reason.

This concept of public reason has various aspects that make the process of public reason possible. One of these aspects is the concept of "reasonable citizens". Citizens are considered reasonable when they view one another as being free and equal, and they believe in the criterion of reciprocity. The criterion of reciprocity requires that citizens offer one another fair terms of cooperation, and they agree to act on those terms even if it comes at a cost in a particular situation given that other citizens also act on those terms.[66] Reasonable citizens, therefore, understand that each individual has her own comprehensive doctrine of beliefs and do not believe that it is legitimate to impose one's comprehensive beliefs on others.

Qadhi echoes this understanding of reasonable citizenship. He argues that all citizens are free and equal to pick and choose their own comprehensive doctrines and moral norms. This will become apparent in his discussion about apostasy and homosexuality. He also defends the criterion of reciprocity by arguing that Muslims should be willing to support rights for other minority groups because those rights can be used in favour of Muslims as well, even if that particular right comes at a cost to Islamic values. This is the argument that he makes as to why Muslims should support same-sex marriage laws.

Intertwined with this understanding of reasonable citizenship is Qadhi's compartmentalization of Islamic law. He separates issues that he believes are applicable to the Islamic state from issues that are applicable to the believer. This is the strategy he uses when discussing issues of apostasy. As an extension of that, Qadhi separates the concept of law from morality when dealing with issues of law in a secular society. The validity of the law in secular societies does not depend on its moral status. Separating laws that apply to an Islamic state from laws that apply to a secular state in the West, gives Qadhi greater room to put forward his own ideas without coming into conflict with religious scholars abroad.

The issue of apostasy highlights how Qadhi defends freedom of conscience by compartmenting Islamic law. In a question and answer session he is asked about the issue of apostasy, and the implementation of various punishments. Qadhi quickly states that this is an issue that the religious bodies of Muslim-majority countries must tackle. It is not in an issue that concerns him; it is an issue for those sitting on *sharīʿah* councils. Apostasy is not an issue for Muslims in the West because they cannot carry out any of the punishments since they must abide by the laws of the land:

> The modern nation state has to discuss this . . . What is going to be the case? Let the Islamic states decide. I as an American Muslim I have no problems legally with an atheist, a homosexual, with a person who is a Satan worshipper, this is the reality of this country. You are free to do as you please. I might morally disagree, but legally they are free to do as they please. [67]

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In a separate speech, Qadhi argues that the issue of apostasy has always had a different application in Muslim lands from non-Muslim lands. He gives the story of ʻUbayd-Allāh ibn Jahsh as evidence. ʻUbayd-Allāh converted to Islam during the time of Prophet Muhammad but converted to Christianity when he emigrated to Abyssinia.

> If you become *murtad* (apostate) in a land that is not ruled by the *sharīʿah*, this is your freedom. You cannot do anything. So the whole question, and I'm saying this now because our religion is being attacked. "You guys have a blasphemy law, if somebody leaves the religion you have to cut his head off." That's what we're told. The response is very simple: No. Our *sharīʿah* tells us that in lands that are not ruled by Islam—ʻUbayd-Allāh ibn Jahsh converted back to Christianity. Nobody harmed a hair on his head. This is the land of Negus, the land of Najāshī do as you please. It's not the land where the *sharīʿah* is going to be implemented.[68]

Qadhi defends freedom of conscience by stating that apostasy laws do not apply to Muslims living in the West. Apostasy laws are only applicable to Muslim-majority countries, and even then it is a debated issue. Moreover, Qadhi is against any coercive application of Islamic beliefs and norms. He makes this stance quite clear when he discusses the issue of homosexuality. He argues that it is not permissible for Muslims to forcefully coerce others to adhere to Islamic norms on homosexuality:

> But hey, at the end of the day, all we have is the right to speak and to believe. And we do not have the right to force other people to conform to what we believe is ethical and moral. You ask us, we'll tell you. But at the same time, at the end of the day, it's your business and you have to answer to, you know, God on the day of judgement. And that's basically between you and your Creator. All we can say is tell you what we believe.[69]

Not only does he argue against coercive means, but he also argues against harboring hatred towards those who do not adhere to Islamic norms. This is quite far from the concept of *al-walāʾ wa-al-barāʾ* that has shaped the mainstream Salafi thinking (see Volume 1, Chapter 6). Continuing his discussion on homosexuality Qadhi argues the worst sin in Islam is idol worship, but the Qurʾān allows Muslims to show compassion and love towards idol worshipers. If Muslims are allowed to show love towards the worst sinners, then they are allowed to show love towards those who are less sinful. He argues that "In Islam we are not required, we are not obliged, to hate people that disagree with us. The fact of the matter is we would disagree and we don't like this action, but that doesn't mean we have to treat or mistreat or dehumanise anybody."[70]

So far we have seen how Qadhi considers other citizens as free and equal. They are able to pick and choose their own comprehensive doctrines

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and ethical norms. Muslims are not allowed to enforce coercive measures whether it is in regards to beliefs, such as issues relating to apostasy, or practices, such as homosexuality. Moreover, Muslims should not harbour hatred or ill will towards those have decided to live a life different than theirs.

Yet for Rawls, not only was the issue of equal citizenship important, but so too was the issue of reciprocity. Interestingly, this issue of reciprocity finds importance for Qadhi in his discussions of same-sex marriage. The underlying reason that he defends the legality of same sex-marriage in America is that he believes that freedoms that are granted to other minority groups translate into greater freedoms for Muslims as well. Underlying this debate about reciprocity is Qadhi's distinction between what is legally allowed and what is morally acceptable. He delves into this subject in depth in a blog post titled *God's Law and Man-Made Laws: Muslims Living in Secular Democracies*. This post tackles a variety of issues that Muslims deal with as minorities in non-Muslim countries especially in regards to "the question of navigating a relationship between Shariah and the laws of the land where they live."[71]

Qadhi begins the article by describing the various ways in which the Divine Law and secular law may or may not conflict. He states that God has revealed laws on many issues which are also regulated by the state, such as family issues, and business transactions. On many issues the divine law and secular law do not clash. He gives examples in which there is no precedent in the divine law, and which he sees as areas where the divine law allows human legislation, such as traffic laws and civic regulations. In reverse, there are certain areas in which Western liberal democracies avoid legislation, such as personal religious laws. In these areas the individual is free to follow one's own religious beliefs. This is why many Muslims prefer to live in secular democracies as opposed to religiously repressive regimes in Muslim-majority countries.[72]

There can be, theoretically, certain laws that do clash with divine laws. Such as the state passing a law that requires Muslims to drink alcohol, or worship idols. In these areas Muslims "would not be obliged to follow such a law" and in certain circumstances they "would be required to immigrate to other lands."[73] Given the examples that he is presenting, and their hypothetical nature, it seems that Qadhi does not believe that the United States has currently passed any laws that would require Muslims to undertake actions that go against their religion. It would have been interesting if he included the banning of headscarves in France in this category.

The rest of the article is dedicated to the third group of laws, those that do not fall to the two extremes cited above. These are laws that make room for certain actions that the divine law prohibits, although he does not clearly state it as such. One example that he does give is abortion. He turns to the history of the Christian and Jewish views within the United States about

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abortion to help guide Muslims on this issue: "Practicing Muslims many times overlook that they are not alone in this dilemma. We need to realise that the situation in which we find ourselves is not much different from that of Orthodox Jews, or, to a certain extent, conservative Christians."[74]

He uses the precedent set by Christian and Jewish religious thinkers to help support the view that there is a difference between moral obligation and legal permission. He argues that Christians do not believe that the laws of the land are necessarily moral, thus if "Christians are told that the law of the land allows it, or that the Supreme Court itself has ruled in favour of it, they would not acknowledge the moral right of the Supreme Court to legislate in such a manner."[75] He uses this to not only show how Muslims can navigate between the Divine Law and secular law, but also to show that this attempt is not alien to the American lifestyle. It is in fact a continuation of how many religious groups have approached this issue:

> For many Muslims, the exact same sentiments that conservative Christians and Jews have about the law of God also ring true. No man has the right to morally challenge what God has decreed to be good and evil, and if someone does so, it should come as little surprise that religious people will always choose the law of God over the law of man. There is nothing wrong or illegal in saying this—this is quintessential manifestation of being American, even if certain agencies with well-known agendas try to spin it otherwise.[76]

In his lectures, as it will be shown below, Qadhi builds on this notion and states that while it is permissible for the government to legally permit same sex-marriage, apostasy, and the consumption of alcohol, this does not mean that these actions are moral. Muslims have a right to state that these actions are immoral, while respecting that they are legally permissible. This separation between legality and morality is maintained by many legal positivists, and has been the topic of lengthy debates within legal philosophy. That is not to say that legal positivists do not believe that legality and morality have no relationship, but that morality is not a necessary condition of legal validity.[77]

Qadhi continues his paper by critiquing the term "*jāhilī* law". The term *jāhilī* law was coined by Islamist thinkers, such as the two globally influential Islamists Abu A'la Mawdudi (d. 1979) and Sayyid Qutb (d. 1966). Although the concept of *jāhilīyah* (ignorance) was used in the classical literature to mean the pre-Islamic era, Qutb began to use it for anything that went against God's rule. Khatab describes Qutb's understanding of *jahilīyah* as "a condition of any time and place where Allah is not held to be the highest governmental and legal authority."[78] For these Islamist thinkers, all man-made laws were considered *jāhil* (ignorant) because they did not conform to the Divine Law.

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It is quite clear that he himself was influenced by these views, as is evident by the statements quoted above from his earlier years. This current article can therefore be seen as how Qadhi has moved away from these conceptions. Qadhi warns that these ideas quickly lead to *takfīr* (the excommunication of Muslims) by "claiming all those who oppose one's understanding of Shariah are *kafirs* [infidels] because they have rejected *hakimiyyah* [God's sovereignty]."[79] He considers this idea to be dangerous especially in consideration of the fact that no Muslim country is completely ruled by the *sharī'ah*. This would then mean that all Muslim rulers would be *kāfirs*. He writes that this is not just a theoretical debate, but that the concept of *takfīr* has real consequences in modern political movements.

Beyond the issue of *takfīr*, Qadhi also criticizes these Islamist views for considering all non-Islamic ideas as a unified whole and not understanding that there are great differences amongst them. This, in his view, makes it difficult to incorporate aspects of non-Islamic political philosophy into Islamic thought: "Hence, if someone were to take even parts of such a system and adopt it for use within some type of Islamic model, it would be easy for simplistic followers to label such a model as being *jahili*."[80] He adds that there are many Islamic intellectuals that are trying to incorporate democracy into Islamic thought, and that such quick and simplistic accusations of *jāhilī* are a barrier to their developments.[81]

Qadhi's related critique is that these Islamist ideals do not provide any practical solutions for Muslims living in the West. He wonders if these Islamist thinkers would consider Muslims to be *kāfir* simply because they are living in non-Muslim lands. In order to ground his argument Qadhi considers the position of a Muslim who falls victim of a robbery or murder: should the Muslim, or their heirs, suffer in silence or should they prosecute through the courts?

In order to help answer this question about Muslims in non-Muslim lands, Qadhi turns to the works of Andrew March, Professor of Political Science at Yale. March has written a book titled *Islam and Liberal Citizenship: The Search for an Overlapping Consensus*. Although Qadhi refers readers to March's book, the material that he is citing is actually from March's article *Theocrats Living under Secular Law: An External Engagement with Islamic Legal Theory*.[82] In this article March puts forward a new paradigm of a "thick social contract model" through the use of the political philosophy of John Rawls. It is possible that Qadhi became acquainted with March during his period of study at Yale, and in the comments section of the article Qadhi remarks that March is a personal friend.[83] In his article *On Salafi Islam* Qadhi remarks that March "has done admirable work, and we need to benefit from such works wherever they come from."[84]

Qadhi references March's categorization of the five ways in which Muslims see their relationship with the secular state. These four are the thin social contract model, the internal retreat model, the self-governance model, the temporary modus vivendi model, and the thick social contract model.[85] The first

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(thin social contract) and the last (thick social contact) models deem attention: the first model has support amongst Muslim thinkers and Qadhi himself, and the last model is the model that March is putting forward as an alternative. Qadhi describes the thin social contract model as thus:

> This model posits that when the wider community (in our case, the American Constitution) guarantees certain rights of security and religious freedom, and when Muslims have agreed to take advantage of these rights, in return they will consent to obey laws even if they do not derive from Islamic principles.[86]

He adds that this is the dominant view amongst modern Sunni scholars, including Yusuf al-Qaradawi and Abdullah ibn Bayyah, and that he himself presents his own arguments from within this model. He adds that this model has its own particular set of problems and that he will address these problems in a future article. However, it does not seem that he has written such an article yet.

The thick social contract model is the model defended by March and is developed on Rawls' concept of an overlapping consensus. Qadhi understands the model as such: "In this model, religious constituents would acknowledge and agree that while the existing system of government is not divine, it is sufficiently just or acceptably legitimate in many areas, and thus may be actively endorsed."[87] March argues that Muslims should engage Western law through the paradigm of *maqāṣid*, or what he labels as complex purposiveness. If a secular law is sufficiently protective of the five main essential goals of the *sharīʿah* then Muslims should endorse the system based on religious grounds.[88] The difference between this model and the thin social contract model is that Muslims are not simply agreeing to follow secular laws but they are instead endorsing them through religious reasons. This would in turn promote a larger degree of participation and enthusiasm.

Qadhi considers the thick social contract model to be a novel approach to the relationship between Muslims and non-Muslim states. Yet, it is due to this novelty that he is still hesitant to support or critique it. Qadhi believes that it seems that this model works well when it comes to certain laws (such as prosecuting criminals) but harder in other areas, such as divorce. Although Qadi finds it difficult to endorse the thicker social contract model presented by March, he does endorse views that echo the criterion of reciprocity presented by Rawls. This is most evident in his lectures on same-sex marriage. Qadhi's stance on the issue of same-sex marriage is derived from this separation between legal validity and morality. He argues that simply because Muslims believe that homosexuality is a sin does not necessitate that same-sex marriage should be illegal. He believes that Muslims must strike a balance between their morals and the law of the land. In a short video clip on homosexuality, he says that Muslims easily manage this balance and have done so for a long time. There is a list of sins which are allowed legally, but Muslims still consider them to be immoral:

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> American Muslims have done this easily when it comes to let's say alcohol. We all know alcohol is legal, we all know Islamically it is illegal for us, in the ethical, in the religious sense. The same applies for pre-marital, and extra-marital [sex], and the same should also apply for same-sex relations.[89]

Thus, similar to how Muslims in America accept that alcohol is legal, they should also accept that homosexuality, and same-sex marriages are legal. Moreover, the freedom that is given to others through the fact that the state is not trying to enforce its understanding of morality, also grants Muslims many of their own freedoms. If Muslims defend the freedom of people to pick and choose their own course of life this will translate to greater freedoms for Muslims as well.

> Freedoms for any one group, translates as more freedoms for us. The more free any group is the more free we are. The same freedom that allows them [homosexuals] to do what they are doing allows us to do what we are doing. If the dominant majority had the power to ban an alternative lifestyle they could also have the power to ban our lifestyle.[90]

This echoes Rawls' position of reciprocity. Qadhi is willing to accept the freedom granted to homosexuals, even though it comes at a cost to his own moral beliefs, because he expects a reciprocal endorsement of freedom for Muslims. If Muslims were to defy this criterion of reciprocity for homosexuals, it could in turn be used to justify coercive means against Muslims.

A further topic that has arisen from Qadhi's discussion about reciprocity is the concept of "Islamic hypocrisy". Given that many Muslims can practice their religious beliefs openly, because of the freedoms granted by the state, it would be hypocritical of Muslims to want these freedoms for themselves but not want it for other people. The AlMaghrib Institute has posted a video online that includes one interviewer and three students that had just participated in one of Yasir Qadhi's seminars. The video is titled *Liberalism, Gay Marriage, and Islamic Hypocrisy*, and the title aptly summarizes the various topics that are discussed in this short video clip. In this video one of the students begins to discuss this notion of Islamic hypocrisy that came up during Qadhi's seminar:

> Student: "One of the things that we were noting in the class with Yasir Qadhi is that it [liberalism] puts us in a black and white situation. We as the youth, the current youth, they see the generation before them as hypocrites almost, because they're completely against liberalism . . . We're kind of living the hypocrisy in a sense where we want our religious freedom we do want . . ."

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Interviewer: "But we don't want the freedom for other things . . . that don't agree with us . . ."
Student: "Yeah."

Thus, it is not only reasonable for Muslims to support current approaches to liberal laws, but choosing not to support these laws can be seen as a form of hypocrisy. It is a rather interesting turn of events where the moral position is to defend laws that seem to go against Islamic beliefs and practices. It makes it seem more Islamic to defend same-sex marriage in the United States than to oppose it.

Yasir Qadhi quite clearly supports a Rawlsian understanding of reasonable citizens. He defends the fact that other citizens are free and equal, and he also supports the criterion of reciprocity. He denies the implementation of any coercive practices by Muslims in the West and defends the freedom of others based on a notion of reciprocity. This also presents the practical means by which an overlapping consensus can be reached by examining the thought of contemporary Western Muslim thinkers.

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